



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 05 2014

REPLY TO THE ATTENTION OF:

The Honorable Chapin Rose
Illinois State Senate
103D State Capitol
Springfield, Illinois 62706

Dear Senator Rose:

Thank you for your letter of February 21, 2014 to the U.S. Environmental Protection Agency Region 5 that provided documents pertaining to EPA's review of the pending application for disposal of polychlorinated biphenyls (PCBs) by Clinton Landfill.

Please be advised that EPA continues to review and evaluate the application as well as supplemental information and that a final determination on the application's request for approval to dispose of PCBs has not yet been made by EPA. Throughout the review process, EPA remains committed to continued coordination and information sharing with Illinois EPA.

Once the review process is completed, we will notify you of our final determination. Again, thank you for your letter. If you have any questions, please contact Mary Setnicar at (312) 886-0976 or by email at setnicar.mary@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Guerriero", written over a horizontal line.

Margaret M. Guerriero
Director
Land and Chemicals Division

Desk Statement Regarding Clinton Landfill PCB Application

In light of the Illinois EPA's recent permit modification for Clinton Landfill, the U.S. Environmental Protection Agency does not intend to proceed at this time with a determination on Clinton Landfill's application to accept polychlorinated biphenyl (PCB) waste. On July 31, 2014, the Illinois EPA modified the permit that the state issued in 2008 to Clinton Landfill. The Illinois EPA's permit modification prohibits the acceptance of federally-regulated PCB wastes at Clinton Landfill unless certain conditions are met, including the approval of the local siting authority. Clinton Landfill applied to U.S. EPA in 2007 for approval under the Toxic Substances Control Act to accept PCB waste at the Clinton Landfill in DeWitt County, Illinois.

ILLINOIS STATE SENATE

SPRINGFIELD OFFICE
103D STATE CAPITOL
SPRINGFIELD, IL 62706
217/558-1006
FAX: 217/782-4079



DISTRICT OFFICES
510 S. STALEY RD.
SUITE D
CHAMPAIGN, IL 61822
217/607-1853
FAX: 217/607-5471

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SUITE 103
DECATUR, IL 62526
217/330-9356
FAX: 217/330-9357

CHAPIN ROSE
SENATOR • 51ST DISTRICT

February 21, 2014

USEPA Region 5
Ralph Metcalfe Federal Building
77 West Jackson Blvd.
Chicago, IL 60604

Dear Sir or Madam,

Over the past year, the Mahomet Aquifer Working Group has been working on ensuring that the aquifer remains safe from possible contamination. Legislators, state agency representatives, local officials, and action groups have been working together on issues related to the aquifer and, in particular, the proposed storage of polychlorinated biophenyls (PCBs) at the Clinton Landfill. This group was created in response to the current application before the United States Environmental Protection Agency (US EPA) for acceptance of PCB's at the Clinton site.

At our last meeting, we learned of serious concerns that need to be brought to your attention and that of the US EPA because, apparently, the state EPA and US EPA lack a very important safeguard: duplicate dissemination of information between them. This issue of "information sharing" came up in reference to recent routine ground water monitoring well testing sample data submitted by the landfill to the state EPA, the results of which are, apparently, not forwarded to the US EPA. The importance of this missing information cannot be understated - as the US EPA is being asked to render a decision on the permit - without the aid of vital information necessary to its decision making process.

The problem is not limited to just this testing data issue which I will elaborate on in greater detail shortly. Even routine matters that are, frankly, predicates to the US EPA granting any permit, are not being shared. For example, it has come to my attention that the US EPA may not be aware that the Dewitt County Board has now officially voted to require a new siting hearing. The official county resolution is attached. The issue of local siting approval is a predicate matter that the US EPA cannot ignore.

Moreover, as mentioned above, recent ground water monitoring results have called into question the very structural integrity of the proposed site itself. In recent inspection data (copies of which are attached), there are serious concerns that the existing landfill is already compromised and leaking because, among other compounds, both Dichloroethene (DCE) and Trichloroethene (TCE) have been detected.

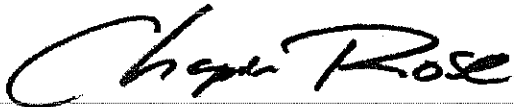
Officials from the Illinois State Water Survey (who are members of our working group) noted that both DCE and TCE are seriously dangerous chemicals that do not occur naturally in the soil and shallow sands where these samples were taken. At this point, no one has identified the source of the DCE, TCE, or any of the other chemical exceedances in the landfill's ground water monitoring well testing. Their presence is not only dangerous, but begs the questions of whether the facility has already been structurally compromised with leachate flowing into the groundwater.

The proposed site's structural soundness should be another predicate question for the US EPA. The fact that such dangerous chemicals have been found directly underneath the existing structure, should warrant rejection of the permit as there is absolutely no assurance that the facility is containing what is currently in it – let alone its ability to contain what might come should the permit be issued. Quite the contrary, the data indicates that the Clinton Landfill may already be compromised.

I have enclosed the most recent documents from our Working Group that include the data points I have referenced. Again, it came as a complete surprise that, apparently, the US EPA is not receiving this same information already. I would hope that the US EPA would find this lack of information sharing as disturbing as several members of our group did and reach out to the state EPA for additional documents and information as may be required to protect our water supply.

The Working Group hopes to keep both the public and our public officials as informed as possible. The group will continue to meet to guarantee the safety of our precious water supply.

Best Regards,

A handwritten signature in black ink, reading "Chapin Rose". The signature is fluid and cursive, with the first name "Chapin" written in a larger, more prominent script than the last name "Rose".

Chapin Rose
State Senator

TABLE 1 (cont'd)
Clinton Landfill No. 3
Summary of Confirmation Sample Results - 2nd Quarter 2013

Well	Parameter	Units	Initial Result	Interwell AGQS/MAPC	Resample?
R17R [#]	Nitrate-N, Dissolved	mg/L	13	0.06	0.04
R17R [#]	Specific Conductance, Field Measured	µmhos/cm	1640	1281	1550
UPPER RADNOR TILL SAND WELLS					
G49S	Nitrate-N, Dissolved	mg/L	0.68	0.29	0.15
G50S	Arsenic, Dissolved	µg/L	18	125.4	53
LOWER RADNOR TILL SAND WELLS					
G01M [#]	Sulfate, Dissolved	mg/L	100	65	160
G05M [#]	Bromomethane	µg/L	5.4	2	<1
G05M [#]	Chloromethane	µg/L	2.2	2	<1
G08M [#]	Nitrate-N, Dissolved	mg/L	0.42	0.14	<0.02
G16M	Nitrate-N, Dissolved	mg/L	12	0.14	3.8
G25M	cis-1,2-Dichloroethene	µg/L	2.2	1	<1
G25M	Trichloroethene	µg/L	1.2	1	<1
G26M	pH, Field Measured	s.u.	8.06	5.79 - 7.97	7.39
G39M	Nitrate-N, Dissolved	mg/L	14	0.14	0.07
G47M	Boron, Dissolved	µg/L	630	622	720
G47M	Magnesium, Dissolved	mg/L	89	82.2	85
G48M	Chromium, Dissolved	µg/L	5.2	4.6	<4
G48M	Lead, Dissolved	µg/L	2.1	1	<1
G49M	Specific Conductance, Field Measured	µmhos/cm	1470	1457	1410
R17M	Specific Conductance, Field Measured	µmhos/cm	1620	1457	1470
ORGANIC SOILS WELLS					
G03D [#]	Specific Conductance, Field Measured	µmhos/cm	1994	1383	1030
G06D [#]	Magnesium, Dissolved	mg/L	73	72.1	64
G09D	Nitrate-N, Dissolved	mg/L	2.8	1.5	<0.02
G09D	Sulfate, Dissolved	mg/L	150	76	160
G16D	Nitrate-N, Dissolved	mg/L	6.3	1.5	<0.02
G25D	cis-1,2-Dichloroethene	µg/L	3.7	1	<1
G25D	Trichloroethene	µg/L	2	1	<1
G26D	cis-1,2-Dichloroethene	µg/L	1.3	1	<1

Notes:

1. [#]Upgradient Well
2. AGQS: Applicable Groundwater Quality Standard/MAPC: Maximum Allowable Predicted Concentration
3. dissolved = filtered sample, total = unfiltered sample
4. mg/l = Milligrams per liter = parts per million (ppm), µg/L = Micrograms per liter = parts per billion (ppb), µmhos/cm = micromhos/centimeter, s.u. = standard units.
5. NE = Not Established
6. < = Not detected above the laboratory reporting limit
7. Resample results displayed in BOLD exceeded the established interwell AGQS/MAPC value.

RESOLUTION NO. 2013--

A resolution requesting and directing Dewitt County States Attorney to prepare and file, correspondence on behalf of the Dewitt County Board, to the Illinois Pollution Control Board (IPCB) declaring that the Dewitt County Board has an interest in the outcome of IPCB case no. 2013-022; and Requesting that 39.2 of the II Environmental Protection act be fully enforced by the IPCB according to its terms; and declaring to the IPCB that the Dewitt County Board believes the new Chemical Waste Unit at issue requires siting authority from the Dewitt County Board, pursuant to 415 ILCS 5/39.2.

WHEREAS, the Dewitt County Board has concerns regarding Clinton Landfill #3; and

WHEREAS, the Dewitt County Board deems it in the best interests of the County and the health, safety and welfare of its citizens to send correspondence to the clerk of the IPCB in case no. 2013-022, expressing the County Board's concerns.

NOW THEREFORE, BE IT RESOLVED BY THE DEWITT COUNTY BOARD, OF DEWITT COUNTY, that:

- A. The Dewitt County States Attorney is requested and directed to prepare and file forthwith correspondence on behalf of the Dewitt County Board in IPCB case no 2013-022 addressed to: John Therriault, clerk, Illinois Pollution Control Board, 100 West Randolph Street, James R Thompson Center, Suite 11-500, Chicago, IL 60601-3218 and
- B. Acknowledging that the Dewitt County Board has a duty to take and order suitable and proper measures for the protection of the Dewitt County Board, Dewitt County and its citizens in the IPCB case no 2013-022; and

- C. Declaring that the Dewitt County Board has an interest that may be affected by a decision of the IPCB case no. 2013-022; and
- D. Requesting that section 39.2 of the Il Environmental Protection act (415 ILCS 5/39.2) be fully enforced by the IPCB according to its terms, no more and no less; and
- E. Declaring to the IPCB that the Dewitt County Board believes the new Chemical Waste Unit at issue in the IPCB case no 2013-022 requires local siting authority from the Dewitt County Board pursuant to 415 ILCS 5 /39.2.

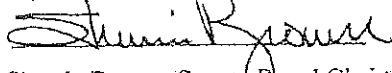
Be it further resolved that the County Boards Attorney is requested and directed to take such further action as may be necessary to effectuate this resolution.

Pursuant to vote of the members of the Dewitt County Board the vote for passage of this resolution is as follows:

By ayes and Nayes

Ballenger	<u>NO</u>	Pruser	<u>NO</u>
Brown	<u>YES</u>	Redman	<u>NO</u>
Daugherty	<u>YES</u>	Savage	<u>YES</u>
Hoffman	<u>YES</u>	Tucker	<u>YES</u>
Koons	<u>YES</u>	Whitted	<u>NO</u>
Newburg	<u>NO</u>	Wissmiller	<u>YES</u>

The voting being 7 Ayes and 5 Nayes and the vote having met the required majority of the county board members holding office is declared passed this 14th day of November, 2013

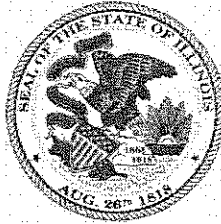


Sherrie Brown, County Board Chairperson

ATTEST:



Dana Smith, County Clerk



STATE OF ILLINOIS
OFFICE OF THE GOVERNOR
SPRINGFIELD, ILLINOIS 62706

Pat Quinn
GOVERNOR

May 15, 2014

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
Office of the Administrator 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator McCarthy:

I am writing to urge you to deny Peoria Disposal Company's request for authorization to dispose of toxic waste in a new cell at the Clinton Landfill in DeWitt County, Illinois.

In October 2007, the Peoria Disposal Company, in accordance with the Toxic Substances Control Act, requested approval from the USEPA to allow disposal of regulated polychlorinated biphenyls (PCBs) in the Clinton Landfill. I commend the USEPA for closely examining this matter since that request, including holding a public comment period.

The USEPA's Sole Source Aquifer designation proceedings have brought forward significant scientific data that recognizes the value of the Mahomet Valley Aquifer, which supplies more than 100 million gallons of water daily to 15 Illinois counties, as a precious water resource for the Illinois residents in the area. The Clinton Landfill is located directly above the Mahomet Valley Aquifer.

The proceedings highlighted the significant risk of disposing of PCBs, a carcinogen, in the landfill that could contaminate the aquifer and potentially impact 800,000 Illinois residents that depend on the Mahomet Valley Aquifer as a source of safe and readily available drinking water.

Based on these documented risks, I join Senators Dick Durbin and Mark Kirk, the mayors of the communities served by the Mahomet Valley Aquifer, and an extensive and diverse group of Illinois residents, in urging the USEPA to deny Peoria Disposal Company's request for authorization to dispose of PCBs at the Clinton Landfill. Thank you for your careful consideration of this matter of considerable importance to the people of Illinois.

Sincerely,

A handwritten signature in cursive script that reads "Pat Quinn".

Pat Quinn
Governor



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 01 2014

THE ADMINISTRATOR

The Honorable Pat Quinn
Governor of Illinois
207 Statehouse
Springfield, Illinois 62706

Dear Governor Quinn:

Thank you for your May 15, 2014, letter asking the U.S. Environmental Protection Agency to deny Peoria Disposal Company's request for approval to accept polychlorinated biphenyl waste in the Clinton Landfill located in DeWitt County, Illinois.

Please be assured that EPA will determine whether this request complies with the Toxic Substances Control Act and will consider all relevant information, including the safety of the Mahomet Aquifer, prior to making a final decision.

Again, thank you for your letter. If you have further questions or concerns, please contact me or your staff may contact Mark Rupp, Deputy Associate Administrator for Intergovernmental Relations, at rupp.mark@epa.gov or at 202-564-7178.

Sincerely,

A handwritten signature in black ink, which appears to read "Gina McCarthy", is written over a faint, circular official stamp. The signature is fluid and cursive.

Gina McCarthy

